

ORDINANCE NO. 2015-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, REPEALING ORDINANCE NOS. 78-17 AND 87-62; DESIGNATING TRUCK ROUTES TO REGULATE THE ACTIVITIES OF COMMERCIAL MOTOR VEHICLES IN THE CITY OF WYLIE; PROVIDING FOR DEFINITIONS, UNLAWFUL ACTS AND EXCEPTIONS THERETO; PROVIDING FOR NOTICE OF THE TRUCK ROUTES BY THE INSTALLATION OF SIGNS AND MARKERS; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has adopted Ordinance Nos. 78-17 and 87-62 to designate certain roads, streets and highways within the city limits of the City of Wylie, Texas ("City") as truck routes for commercial motor vehicle traffic traveling within the City; and

WHEREAS, the City Council desires to strengthen its regulations on commercial motor vehicle traffic and provide for additional enforcement; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the City and its citizens to repeal Ordinance Nos. 78-17 and 87-62, currently codified at Sections 110-151 to 110-153 of the City's Code of Ordinances, in their entirety; and

WHEREAS, the City Council finds that it would be advantageous and beneficial to the City and its citizens to adopt a new truck route ordinance, providing for the prohibition of travel of commercial motor vehicles over certain roads, streets and highways in the City to promote the health, safety and welfare of the general public and to preserve and protect the functionality and integrity of the City's roads, streets and highways.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein

SECTION 2: Ordinance Nos. 78-17 and 87-62 Repealed. Ordinance Nos. 78-17 and 87-62 are hereby repealed in their entirety and replaced by this Ordinance. The effective date of such repeal shall not occur until the effective date of this Ordinance, at which time Ordinance Nos. 78-17 and 87-62 shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance Nos. 78-17 and 87-62 occurring before the effective date of this Ordinance.

SECTION 3: Definitions. For purposes of this Ordinance, the following definitions apply, except where the context clearly indicates a different definition:

Commercial motor vehicle means a self-propelled or towed vehicle, other than a farm vehicle with a gross weight, registered weight or gross weight rating of less than 48,000 pounds, that is used on a public road, street or highway to transport passengers or cargo if:

- (1) the vehicle, including a school activity bus as defined in Section 541.201 of the Texas Transportation Code, or combination of vehicles has a gross weight, registered weight or gross weight rating of more than 26,000 pounds;
- (2) the vehicle, including a school activity bus as defined in Section 541.201 of the Texas Transportation Code, is designed or used to transport more than 15 passengers, including the driver;
- (3) the vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 *et seq.*); or
- (4) the vehicle is a commercial motor vehicle as defined by 49 C.F.R. Section 390.5 or similar regulation if operated interstate.

Farm vehicle has the meaning assigned by the federal motor carrier safety regulations.

Truck route means those roads, streets or highways which are designated in this Ordinance for the use of truck traffic.

Truck traffic means the operation of any commercial motor vehicle.

SECTION 4: Compliance. It shall be unlawful to operate a commercial motor vehicle on any road, street or highway in the City except on those designated as truck routes in Section 5 and except as provided in Section 8.

SECTION 5: Designated Truck Routes. For the purposes of this Ordinance, the following roads, streets or highways in the City are designated as truck routes:

Street Segment	Extent
FM 2514 (Parker Road)	Entire city limits
FM 1378 (Country Club Road)	Entire city limits
West Brown Street	From FM 1378 (Country Club) to SH 78
FM 544	From McCreary Road to SH 78
SH 78	Entire city limits
Sanden Boulevard	From FM 544 to SH 78
Ballard Avenue	From SH 78 south to Pleasant Valley Road

Stone Road	From Ballard Avenue to FM 544
FM 544	From Stone Road south to the city limits
Alanis Drive	From SH 78 to FM 544
Pleasant Valley Road	Entire city limits

SECTION 6: Proceeding Directly to Routes. If any truck traffic originating within the City shall have, as its point of origin, a point located off a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible. If such traffic shall originate outside the City and enter the City at a point which is not on a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible.

SECTION 7: Departing from Routes.

- (1) Truck traffic restricted to the streets, roads and highways designated as truck routes may depart from such truck routes where it is necessary for the immediate loading or unloading of property at locations situated off designated truck routes. However, such truck traffic shall not leave any designated truck route until it has reached a point on a designated truck route which is nearest the applicable place of loading or unloading by the most direct route possible. After leaving a designated truck route to load or unload, truck traffic may continue off truck routes to as many points of destination as necessary. However, if in the course of making necessary stops for loading and unloading the truck traffic shall cross a designated truck route, the truck traffic shall not again leave any designated truck route until it has reached a point on some designated truck route which is nearest to the next place of loading and unloading by the most direct route possible.
- (2) It shall not be necessary to proceed to the nearest designated truck route when, under Section 6, truck traffic originates off a designated truck route, whether inside or outside the City, and the destination of the truck traffic is nearer the origin or point of entering the City, as the case may be, than is the nearest point on a designated truck route by the most direct route possible.
- (3) Traveling to a place of business in a commercially zoned area shall be a defense to traveling on a road, street or highway that is not a designated truck route in violation of this Ordinance.

SECTION 8: Exceptions. The provisions of this Ordinance shall not apply to:

- (1) emergency vehicles operating in response to any emergency call;
- (2) commercial motor vehicles traveling to or from a location that is not a designated truck route for a legitimate business purpose, including but not limited to, repair or maintenance service or loading or unloading cargo that requires traveling off of the designated truck routes, provided that such vehicle is operated on the most

direct route possible and the operator of such vehicle has in his or her immediate possession evidence of the local destination and point of origin;

- (3) an operator of a commercial motor vehicle driving to and from his or her residence;
- (4) commercial motor vehicles owned or operated by or on behalf of a governmental entity, a public utility or any contractor or materialman engaged in the repair, maintenance or construction of roads, streets or highways, road, street or highway improvements or utilities within the City;
- (5) commercial motor vehicles owned or operated by or on behalf of a governmental entity engaged in or performing official, authorized government business; and
- (6) commercial motor vehicles operating on a City- or state-designated detour.

SECTION 9: Posting of Signs and Markings. The City Manager or his or her designee shall erect or place appropriate signs and markings indicating the truck routes designated in this Ordinance. The signs shall be permanently affixed to a stationery post or installed on permanent buildings or walls or as otherwise approved. The signs and markings shall in no way be obstructed from view and shall comply with applicable state laws.


SECTION 10: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 11: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 12: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of such ordinances shall remain in full force and effect.

SECTION 13: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 26th day of May, 2015.


Eric Hogue, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**


Carole Ehrlich, City Secretary

Dates of Publication: June 3rd, 2015

